

STAFF
REVIEW
COPY

**SUNNYSIDE ORCHARDS #4, BLOCK 18, LOT 5C, AMENDED PLAT
SUBSEQUENT MINOR SUBDIVISION**

STAFF REPORT FOR PLANNING BOARD

CASE PLANNER:

John Lavey

JPL

**REVIEWED/
APPROVED BY:**

Renee Van Hoven

RW

**PUBLIC HEARINGS/
MEETINGS:**

RCPB Public Hearing:

June 7, 2006

Deadline for PB recommendation to BCC:

July 5, 2006

BCC Public Meeting:

July 18, 2006

(Unless PB delays decision)

Deadline for BCC action (35 working days):

July 27, 2006

APPLICANT OWNER:

Michael Wilton

PO Box 434

Stevensville, MT 59870

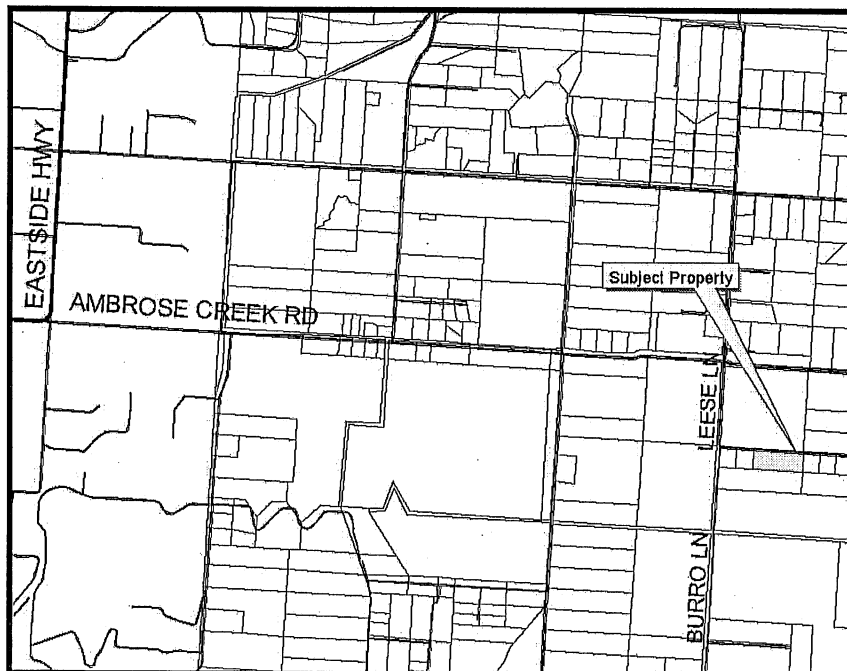
REPRESENTATIVE:

Applebury Survey

914 Highway 93

Victor, MT 59875

LOCATION OF REQUEST: The property is located off Leese Lane, northeast of Stevensville



Map 1: Location Map
(Data Source: Ravalli County Planning Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

Lot 5C of AP 519640, located in the NE1/4 of Section 8 T9N, R19W,
P.M.M., Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was determined complete on May 15,
2006. Agencies were notified of the subdivision and comments
received by the Planning Department are Exhibits A-1 through A-8 of
the staff report.

LEGAL NOTIFICATION:

A legal advertisement was published in the Ravalli Republic on May
23, 2006. Notice of the project was posted on the property. Property
owners adjacent to the subject property were notified of the
subdivision by certified mail postmarked March 17, 2006.

**DEVELOPMENT
PATTERN:**

Subject property	Vacant rural
North	Agricultural
South	Vacant rural
East	Residential
West	Residential

RAVALLI COUNTY PLANNING BOARD

JUNE 7, 2006

SUNNYSIDE ORCHARDS #4, BLOCK 18, LOT 5C, AP
THREE-LOT SUBSEQUENT MINOR SUBDIVISION

RECOMMENDED MOTION

That the Sunnyside Orchards #4, Block 18, Lot 5C, AP Subsequent Minor Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Effects on Agriculture*)

Notification of Common Access Maintenance. Ravalli County, the State of Montana, or any other governmental entity does not maintain the common accesses and therefore does not assume any liability for improper maintenance or the lack thereof. A Common Access Maintenance Agreement for these common accesses was filed with this subdivision and outlines what parties are responsible for maintenance and under what conditions. (*Effects on Local Services*)

Notification of Septic Line and Drainfield Easements. Within this subdivision there is a septic line and drainfield easement. No structure or obstruction may be placed within or over these easements that are not needed for septic line or drainfield management. (*Effects on Natural Environment*)

Notification of Severe Soils. Within this subdivision there are areas of the property identified as potentially having soils rated as severe for road and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat. Descriptions of the severe soils in question are included as exhibits to this document. (The applicant shall include the exhibits as attachments) (*Effects on Public Health and Safety*)

Limitation of Access onto a Public Road. A "non ingress/egress" restriction exists along the Leese Lane frontage of this subdivision, excepting the approved approaches for the existing and proposed common accesses. All lots within this subdivision must use these approved approaches. This limitation of access may be lifted or amended with approval of the County. (*Effects on Local Services*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Living with Wildlife. (See letter from Fish, Wildlife and Parks in the application packet for the required provisions) (*Effects on Wildlife & Wildlife Habitat*)

Waiver of Protest to Creation of RSID/SID. Owners and their successors in interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community waste water treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. *(Effects on Local Services)*

Primary Heat Source. The primary heat source for the newly constructed residences in this subdivision shall be at least 75% efficient. *(Effects on Natural Environment)*

Lighting for New Construction. Full cut-off lighting shall be required for any new construction within this subdivision. A full cut-off fixture means fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light emitted. The source of light is fully shielded, top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. Spot lighting of flag poles shall be permitted. *(Effects on Public Health & Safety)*

Control of Noxious Weeds. Lot owners shall control the growth of noxious weeds on their respective lot(s). *(Effects on Natural Environment)*

Radon Exposure. The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. *(Effects on Public Health and Safety)*

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Three Mile Fire District has adopted the Uniform Fire Code (UFC), which requires lot owners to post County-issued addresses at the intersection of the driveway leading to the primary residence and the accessing road as soon as construction on the residence begins. *(Effects on Public Health and Safety)*

Access Requirements for Lots within this Subdivision. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 20', a vertical clearance of 13'6", and an all weather surface that can accommodate the weight of a fire truck to meet requirements of the UFC. Please contact the Three Mile Rural Fire District for further information on the requirements of the Three Mile Rural Fire District and/or the UFC. *(Effects on Local Services)*

Amendment. The covenants filed with the final plat shall state that written governing body approval shall be required for amendments to provisions of the covenants listed above, that are required to be included as a condition of subdivision approval. *(Effects on all six criteria)*

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners and any successors in interest to any future RSID/SID, based on benefit, for a community wastewater system, community water system, or upgrading roads leading to or within the subdivision, including but not limited to paving, curbs and gutters, non-motorized transportation facilities, street widening, and drainage facilities. *(Effects on Local Services)*

4. The final plat shall show a non-ingress/egress zone along the Leese Lane frontage of the subdivision, excepting the approaches for the existing and proposed common accesses, as approved by the Road and Bridge Department. *(Effects on Local Services)*
5. The applicant shall submit a letter or receipt from the Stevensville and Lone Rock School Districts stating that they have received (an amount to be determined by the Planning Board) per lot contribution prior to final plat approval. *(Effects on Local Services)*
6. The applicant shall meet the water supply requirements for the Three Mile Fire District, which is a 1,000-gallon per minute water supply or a 2,500 gallon per lot water storage. Alternatively, the applicant can contribute \$500 per lot and provide a letter from the Three Mile Fire District that the contribution has been made prior to final plat approval. *(Effects on Local Services & Public Health and Safety)*
7. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. *(Effects on Public Health and Safety)*

INTRODUCTION

Sunnyside Orchards #4, Block 18, Lot 5C, AP is a three-lot subsequent minor subdivision proposed on six acres. The subdivision is located northeast of Stevensville off Leese Lane. It is located in the Stevensville and Lone Rock School Districts, and the Three Mile Fire District. The property is relatively level and appears to have been used for agriculture in the past. The applicant is proposing cash-in-lieu of parkland donation.

Staff is recommending conditional approval of the subdivision.

SUBDIVISION REPORT

COMPLIANCE WITH PRIMARY SUBDIVISION REVIEW CRITERIA

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed subsequent minor subdivision on six acres will result in three lots that have an average size of two acres. It is located northeast of the Town of Stevensville in an area of mixed residential and agricultural uses.
2. The SCS Soil Survey for Ravalli County identifies a soil type that is listed as Prime Farmland Soil on a minority of Lot 5C3. Less than 10% of the property may have Prime Farmland Soil.
3. It appears that a portion of the property has been used for agriculture in the past.
4. Properties surrounding the subdivision are mostly large lot residential with some nearby agricultural activity. To mitigate impacts on agricultural practices, a notification of agricultural operations shall be filed with the final plat and the covenants shall include a provision requiring owners to control domestic pets. (*Condition 1 and 2*)

Conclusions of Law:

1. The creation of these lots will diminish the potential agricultural uses on this property and may take a small amount of property with Prime Farmland Soils out of production.
2. With the mitigating conditions, impacts of this subdivision on surrounding agricultural practices should be minimized.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact:

1. A buried irrigation pipeline is located along the northern boundary of the property within the road easement. A riser exists on the proposed Lot 5C3, and two additional risers are proposed to serve Lot 5C1 and 5C2.
2. According to the application, the property has water rights from the Bitterroot Irrigation District. Since the water rights are held by the Irrigation District, an Irrigation Plan is not required.
3. In accordance with final plat requirements, when irrigation facilities are to be altered or relocated, the applicant is required to get written notarized documentation of approval of the alteration from the Irrigation District. This provision applies to the installation of risers on Lot 5C1 and 5C2.
4. As a requirement of final plat approval, all irrigation infrastructure must be installed prior to final plat approval.

Conclusion of Law:

Impacts to agricultural water user facilities will be minimized through the mitigating condition and requirements of final plat approval.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

1. There are three proposed single family residential lots within this subdivision and it is estimated at build-out this subdivision will generate a total of 24 vehicular trips per day, assuming 8 trips per day per single-family dwelling.
2. It is unknown if Leese Lane and Ambrose Creek Road, County-maintained roads, meet County standards and if not, the applicant will be required to pay the pro-rata share of the cost to improve the portions of Leese Lane and/or Ambrose Creek Road that leads to the subdivision from Eastside Highway.
3. A no ingress/egress restriction currently exists along the entire Leese Lane frontage of the subdivision excepting the existing common access serving Lot 5C1. Through the filing of the final plat, the applicant is proposing that the restriction be lifted, to allow access to the

approved common access for Lot 5C2 and Lot 5C3. A notification of this limitation of access shall be included in the Notifications Document. (*Conditions 1 and 4*)

4. A preliminary common access maintenance agreement for both common accesses was included in the application packet. The final plat application packet is required to include a common access maintenance agreement that includes to the provisions of Section 3-2-18 of the Subdivision Regulations. A notification of the common access maintenance agreement shall be included in the Notifications Document filed with the final plat. (*Condition 1*)
5. The subdivision questionnaire indicates the parkland dedication for this subdivision is required to be 0.30 acres and cash-in-lieu of parkland dedication is proposed. The Department of Revenue indicated the unimproved and unsubdivided value of the property is \$8,000 per acre, which results in a cash donation of \$2,400.00 (*Exhibit A-1*). Cash-in-lieu of parkland dedication shall be paid as a requirement of final plat approval.
6. Installation of all infrastructure improvements is required to be completed prior to final plat approval, which includes construction of the common access and installation of the irrigation risers.
7. Individual wells and a shared septic system is proposed to serve the lots. (*See Natural Environment*)
8. To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (*Conditions 2 & 3*)
9. Bitterroot Disposal provides service to this site.
10. The Lone Rock and Stevensville School Districts were notified of the subdivision proposal. The developer is proposing to contribute \$100 per lot to the School Districts, but did not specify which district (Lone Rock and/or Stevensville). A condition that the developer provides evidence of a contribution to the school districts is required prior to final plat approval. (*Condition 5*)
11. The Three Mile Rural Fire District has provided the County with their general policy recommendations (*Exhibit A-4*). The conditions that address the Fire District's recommendations will mitigate impacts on local services and public health and safety. (*Conditions 2 & 6*)
12. The Ravalli County Sheriff's Office provides law enforcement services to this area.
13. Adequate public services are available to the subdivision.

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be minimized.

CRITERION 4: EFFECTS ON THE NATURAL ENVIRONMENT

Findings of Fact:

1. The six-acre property is currently open space that is covered with grasses.
2. Individual wells and septic systems are proposed for lots within this subdivision. The Environmental Health Department has provided a comment letter dated December 28, 2004, that is included in the application packet, which states adequate information has been submitted to their office for local subdivision review to occur. A Certificate of Subdivision Plat Approval from Montana Department of Environmental Quality is required to be submitted with the final plat.
3. A shared drainfield on Lot 5C2 will serve all the lots. The applicant is proposing an easement on the drainfield and a septic line that leads to the drainfield. To mitigate impacts on the natural environment, a notification of these easements shall be included in the notifications document to ensure the septic infrastructure is maintained. (*Condition 1*)
4. To mitigate air pollution resulting from home heating emissions, the protective covenants filed with the final plat shall state that the primary heat source for any newly constructed residences must be at least 75% efficient. (*Condition 2*)

5. An approved noxious weed and vegetation control plan is required to be filed with the final plat. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, the plan shall be submitted to the weed board for approval by the board. To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (*Condition 2*)

Conclusion of Law:

Impacts from this subdivision on the natural environment will be minimized with the requirements for final plat approval and imposition of mitigating conditions.

CRITERION 5: EFFECTS ON WILDLIFE AND WILDLIFE HABITAT

Findings of Fact:

1. The property is not located within the Montana Fish, Wildlife, and Parks (FWP) identified big game winter range and there are no species of special concern listed in the vicinity of the property.
2. FWP requested that the living with wildlife provisions be included in the covenants to mitigate impacts on wildlife and wildlife habitat. (*Condition 2*)

Conclusion of Law:

With the condition of approval, the proposed subdivision will likely have a minimal impact on wildlife.

CRITERION 6: EFFECTS ON PUBLIC HEALTH AND SAFETY

Findings of Fact:

1. To mitigate impacts on public health and safety, the subdivider shall apply for County-issued addresses and a provision requiring property owners to post County-issued addresses at their driveways shall be in the covenants. (*Conditions 2 and 7*)
2. The Conditions that address the Three Mile Fire District's recommendations will mitigate impacts on public health and safety. (*Conditions 2 and 6*) (*See Local Services*)
3. The preliminary plat and soils map indicate that portions of this subdivision may have soils rated as severe for building and road construction. To educate property owners and to mitigate potential impacts of this subdivision on public health and safety, a notification of the potential for severe soils shall be included in the Notifications Document filed with the final plat. (*Condition 1*)
4. To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision requiring full cut-off lighting with the exception of flag poles. (*Condition 2*)
5. There is a prevalence of radon in the County and to mitigate impacts on public health and safety, the covenants shall include a statement regarding radon exposure. (*Condition 2*)
6. Lots will be served by individual wells and wastewater treatment systems.

Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on public health and safety.

COMPLIANCE WITH:

1) THE SURVEY REQUIREMENTS PROVIDED FOR IN PART 4 OF M.C.A. 76-3.

Finding of Fact:

The Seal of a Professional Land Surveyor or Engineer is required on all final plats, which states that the subdivision complies with part 4 of M.C.A. 76-3.

Conclusion of Law:

This proposal meets the survey requirements or conditions have been required to bring the proposal into compliance.

2) THE LOCAL SUBDIVISION REGULATIONS PROVIDED FOR IN PART 5 OF M.C.A. 76-3.

Finding of Fact:

Subdivisions are required to comply with the local subdivision regulations provided for in part 5 of M.C.A. 76-3.

Conclusion of Law:

The developer has submitted a plan which complies with the requirements of local subdivision regulations or conditions have been required that will bring the plan into compliance.

3) THE LOCAL SUBDIVISION REVIEW PROCEDURE PROVIDED FOR IN THE RAVALLI COUNTY SUBDIVISION REGULATIONS

Findings of Fact:

1. Subdivisions are required to comply with the local subdivision review procedure provided for in the Ravalli County Subdivision Regulations.
2. A decision of the governing body rejecting or approving a proposed subdivision may be appealed to the district court within thirty (30) days of such decision. The petition shall specify the grounds upon which the appeal is made. An appeal may be made by the subdivider; a landowner with a property boundary contiguous to the proposed subdivision or a private landowner with property within the unincorporated area of the county that can show a likelihood of material injury to the landowner's property or its value; a first class municipality if the subdivision is within three miles of its limits, a second class municipality if a subdivision is within two miles of its limits, a third class municipality or town if the subdivision is within one mile of its limits. An aggrieved party means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision.

Conclusion of Law:

This development plan proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations.

CONSISTENCY WITH EXISTING ZONING AND COVENANTS

Findings of Fact:

1. The application states the property is not located within a zoning district.
2. There are existing covenants on the property, included in the application packet. The proposal appears to be consistent with the covenants.

Conclusion of Law:

There is no zoning on this property and the proposal appears to comply with existing covenants.

PROVISION OF EASEMENTS FOR UTILITIES

Findings of Fact:

1. The plat indicates utility easements are located along the Leese Lane frontage of the property (see the preliminary plat). Utility easements are required to be shown on the final plat.

2. The proposed subdivision will be served by Ravalli Electric Cooperative and Qwest Telephone. Utility certificates are a requirement of final plat approval.

Conclusion of Law:

Utility services will be available to this subdivision.

PROVISION OF LEGAL AND PHYSICAL ACCESS

Finding of Fact:

Physical and legal access for this subdivision is proposed via Leese Lane and Ambrose Creek Road, which are County-maintained roads, and two common accesses. (*Local Services*)

Conclusion of Law:

With the conditions of approval and requirements of final plat approval, the proposal meets physical and legal access requirements.

EXHIBIT A-1

Ravalli

County
MONTANA

PLANNING DEPARTMENT
215 S 4TH ST
HAMILTON, MT 59840
406.375.6229; 406.375.6336

RECEIVED
OCT 18 2005
1C-05-10-1902
Ravalli County Planning Dept.

MEMORANDUM

OG-05-10-997

To: Debbie Reesman, Department of Revenue

From: Benjamin Howell, Ravalli County Planning Department *BH*

Date: October 17, 2005

Subject: Tax Information Request

Information Requested By: October 30, 2005

Subdivision Name: Sunnyside Orchards #4, Block 18 Lot 5C AP

Parcel Number: 1329970

Geocode Number: 1765-08-1-01-10-0000

Number of Lots: 3 lots on 6 acres

Cash-in-Lieu: \$ 8,000 per unsubdivided and unimproved acre

Comments:

$\$8,000 \text{ per acre} \times 0.30 \text{ acre parkland dedication} = \$2,400 \text{ Cash Donation}$

Debra K. Reesman
Signature

10-17-05
Date



Montana Fish, Wildlife & Parks

EXHIBIT A-2

Region 2 Office
3201 Spurgin Road
Missoula, MT 59804-3101
Phone 406-542-5500
June 17, 2005

Terry Nelson
Applebury Survey
914 Highway 93
Victor, MT 59875

Dear Mr. Nelson:

Normally when Montana Fish, Wildlife & Parks reviews subdivisions, we customize our letter and the proposed covenants to the specific location of the subdivision. However, we are endeavoring to catch up with a backlog of subdivisions in Ravalli County that we are currently reviewing. Towards that end and based on our review of the preliminary plats, we would like to propose one set of (development) covenants that applies to several of the subdivisions you have submitted.

We recommend the enclosed covenants for each of the following proposed subdivisions represented by you, in order to help homeowners deal with and avoid potential wildlife issues:

1. Adams Lots; owner Adams (minor 3 lots on 3.6 acres; Blodgett Creek and Hamilton area)
2. Ravalli Farm, Lot 6 (Block 3); owner Bean (major 6 lots on 6.5 acres; Willow Creek and Corvallis area)
3. Sunnyside Orchards, Lot 5 (#4, Block 18); owner Wilton (minor 3 lots on 6.0 acres; Ambrose Creek and Stevensville area)
4. Thomas; owner Thomas (minor 5 lots on 9.9 acres; Skalkaho Creek and Grantsdale area)

We thank you for providing the opportunity for MFWP to comment on these subdivisions.

Sincerely,

Mack Long
Regional Supervisor

ML/sr

C: Ravalli County Planning Department, Attn: Karen Hughes, 215 S. 4 St., Ste. F, Hamilton, MT 59840

Proposed development covenant for each of the following subdivisions:

1. *Adams Lots; owner Adams (minor 3 lots on 3.6 acres)*
2. *Ravalli Farm, Lot 6 (Block 3); owner Bean (major 6 lots on 6.5 acres)*
3. *Sunnyside Orchards, Lot 5 (#4, Block 18); owner Wilton (minor 3 lots on 6.0 acres)*
4. *Thomas; owner Thomas (minor 5 lots on 9.9 acres)*

Recommended by Montana Fish, Wildlife & Park; Missoula; June 15, 2005

Section __: Living with Wildlife

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, black bear, mountain lion, fox, skunk, and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see the Education portion of FWP's web site at www.fwp.mt.gov.

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens and fruit trees** can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because ripe or rotting vegetable material can attract bears and skunks. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.
- c. **Garbage** should be stored in secure animal-resistant containers or indoors to avoid attracting animals such as bears, raccoons, and other wildlife. It is best not to set garbage cans out until the morning of garbage pickup.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may

potentially contribute to the transmission of disease or that constitutes a threat to public safety.” Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.

- e. **Bird feeders** attract bears. If used, bird feeders should: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- g. **Pet food and/or livestock feed** should be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals such as bear, skunk or magpie do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)
- k. **Apiaries (bee hives)** could attract bears in this area. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)

EXHIBIT A-3

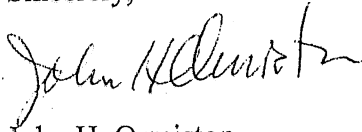
Ravalli County Park Board
366 Blodgett Camp Rd
Hamilton MT 59840
April 28, 2005

Applebury Survey
Attn. Terry Nelson
914 Hwy 93
Victor MT 59875

Dear Mr. Nelson:

Here are my comments on behalf of the Ravalli County Park Board regarding the Sunnyside Orchards proposed subdivision. From the information you supplied I can see no parkland dedication parcel so therefore must assume the proponents are proposing cash in lieu of parkland dedication. Given the location of the tracts and the relative small size of the subdivision, the Park Board concurs with cash in lieu of parkland dedication.

Sincerely,



John H. Ormiston
Chairman, Ravalli County Park Board

Cc: Planning Department

EXHIBIT A-4

RECEIVED

JUN 16 2004

THREE MILE FIRE DISTRICT
1064 THREE MILE CR. RD.
STEVENSVILLE, MT 59870
ATTN: CHIEF GIESE

June 16, 2004

LC C4 05 934

RAVALLI COUNTY PLANNING OFFICE
215 4th Street, Suite F
HAMILTON, MT 59840

The Three Mile Fire District has established the following requirements for new proposed subdivisions within its district. The requirements were established with consideration for life safety of the residence of the district as well as the Volunteers who are called upon to protect the district and to mitigate harm to the public health and environment.

When establishing the requirements, emphasis was given to the Uniform Fire Code, Articles 9 and 10, and Appendix III-A, The Ravalli County Subdivision Regulations, The Ravalli County Road Department standards and the 1995 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire-protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the UFC (Uniform Fire Code) and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with the definitions given them in the above mentioned publications.

WATER SUPPLY REQUIREMENTS:

The water supply required by the Uniform Fire Code for one and two family dwellings, not exceeding 3600 square feet, requires a flow rate of 1000 G.P.M. The code does not specify the duration of flow for one and two family dwellings, however the Fire Protection Guild lines for Wildland Residential Interface Development and the Ravalli County Subdivision Regulations list the minimum water supply of 2500 gallons per lot.

The Three Mile Fire District currently has an ISO Class 6 Residential rating which requires a water flow of 200 gallons per minute for a duration of 20 minutes or a total flow of 4000 gallons per residence.

Considering the above information the Fire District will accept a water supply of 1000 gallons per minute or 2500 gallons per lot of stored water. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision.

The Fire District realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a payment of \$ 500.00 (Five Hundred dollars and no/100) per lot, in lieu of the water supply required by the UFC. The Fire District will then upon its elective purchase fire fighting apparatus or develop water supplies.

EXCEPTIONS: 1. When buildings are completely protected with an approved automatic sprinkler system, the above listed water supply and payment schedule may be reduced by 50%. The Subdivision Covenants must state that A. All residences constructed within the subdivision be completely protected with an approved automatic sprinkler system .@ Payment for the reduced amount of \$ 250.00 per lot will be accepted at the time the Subdivision is approved. If at any time any residence is built without an approved sprinkler system within the subdivision, all lots will be subject to an additional \$ 250.00 dollar payment, regardless whether they have sprinklered residences located on them or not.

If you have any questions regarding the above listed requirements, please feel free to contact me at (406) 777-2749. I am willing to meet with you on your proposed site to review the above requirements or discuss life safety issues.

Sincerely,

Russel R. Giese
Three Mile Fire District Chief

Ravalli County Sheriff's Office
205 Bedford Street, Suite G
Hamilton, MT 59840-2853



Chris Hoffman, Sheriff

Kevin McConnell, Undersheriff

EXHIBIT A-5

April 29, 2005

Applebury Survey
Attn: Terry Nelson
914 Hwy. 93
Victor, MT 59875

RE: **Agency Comment – Sunnyside Orchards #4 Subdivision
AP Block 18**

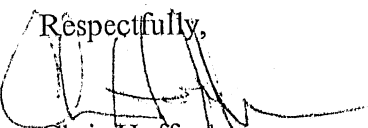
Dear Mr. Nelson,

This letter is in response to the above referenced matter relative to the proposed **AP of Block 10, Sunnyside Orchards #4**. A proposal for an amended subdivision is cause for concern for the Sheriff's Office. My comments follow:

1. The safety and welfare of all citizens in Ravalli County, is the highest priority of our agency. Due to the current budget constraints placed upon our office, and manpower shortages, this office is struggling to provide ample service for the citizens of Ravalli County now.
2. With the county population growth leading the state, and no more resources becoming available to the Sheriff's Office, this office may not be able to provide all of the services that the citizens of Ravalli County deserve.

For the above stated reasons, it is my belief that an amended subdivision would certainly further impact and adversely affect the ability of the Sheriff's Office to provide Law Enforcement services for this community.

Respectfully,


Chris Hoffman,
Ravalli County Sheriff

CAH:ld

Cc: Ravalli County Planning Board

RECEIVED

JAN 06 2005

MEMORANDUM

10-05-01-041

DATE:

12/28/04

TO:

Ravalli County Planning Department

EXHIBIT A-6

FROM:

Theresa J. Blazicevich, R.S., Environmental Health

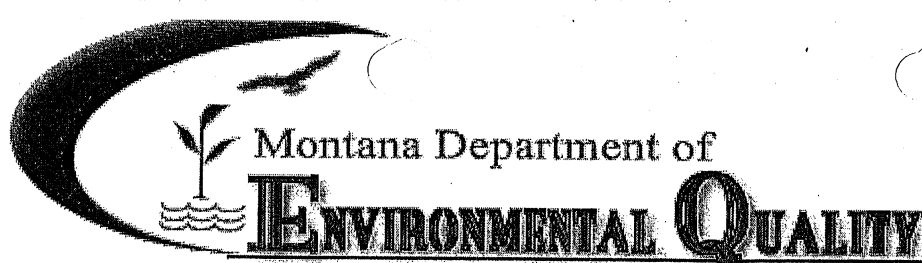
RE:

*Sunnyside Orchards #4, Blk. 18, Lot 5C
(Filed 1/11/05)*

Ravalli County Environmental Health has received the above-referenced proposal for review. Based on the information provided, the application appears to be sufficient for subdivision review.

The Sanitation in Subdivision review will be completed in accordance with the Department of Environmental Quality's contract. Additional questions or comments may be required based upon the continued review of this file and the content of future submittals.

TJB/ik



RECEIVED

MAY 6 2004
16-04-05-684

Judy Martz, Governor

P.O. Box 20091 Helena, Montana, 59620-0901 406-444-2544 www.deq.state.mt.us

May 3, 2004

Mr. Mike Wilton
P.O. Box 434
Stevensville, Montana
59870

RE: Sunnyside Orchards
#4, Block 18
Lot 5C, rewrite,
Ravalli County
EQ# 04-2482

EXHIBIT A-7

Dear Mr. Wilton:

The plans and supplemental information relating to the water supply, sewage, solid waste disposal, and storm drainage (if any) for the above referenced division of land have been reviewed as required by ARM Title 17 Chapter 36(101-805) and have been found to be in compliance with those rules.

Two copies of the Certificate of Subdivision Plat Approval are enclosed. The original is to be filed at the office of the county clerk and recorder. The duplicate is for your personal records.

Development of the approved subdivision may require coverage under the Department's General Permit for Storm Water Discharges Associated with Construction Activity, if your development has construction-related disturbance of one or more acre. If so, please contact the Storm Water Program at (406) 444-3080 for more information or visit the Department's storm water construction website at <http://www.deq.state.mt.us/wqinfo/MPDES/StormwaterConstruction.asp>. Failure to obtain this permit (if required) prior to development can result in significant penalties.

Your copy is to inform you of the conditions of the approval. Please note that you have specific responsibilities according to the plat approval statement primarily with regard to informing any new owner as to any conditions that have been imposed.

If you wish to challenge the conditions of this Certificate of Subdivision Plat Approval, you may request a hearing before the Board of Environmental Review or the Department, pursuant to Section 76-4-126, MCA and the Montana Administrative Procedures Act.

If you have any questions, please contact this office.

Sincerely,

Melton B. Atwood for

Raymond Lazuk, Supervisor
Subdivision Review Section

RL/MEA

cc: County Sanitarian
County Planning Board

STATE OF MONTANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
CERTIFICATE OF SUBDIVISION APPROVAL
(Section 76-4-101 et. seq., MCA)

TO: County Clerk and Recorder
Ravalli County
Hamilton, Montana

E.Q. #04-2482

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as **Sunnyside Orchards #4, Block 18, Lot 5C Rewrite**

FOR LEGAL DESCRIPTION, SEE ATTACHED "EXHIBIT A"

consisting of one (1) lot have been reviewed by personnel of the Permitting and Compliance Division, and,

THAT the documents and data required by ARM Chapter 17 Section 36 have been submitted and found to be in compliance therewith, and,

THAT the approval of the Plat is made with the understanding that the following conditions shall be met:

THAT this approval supercedes approval EQ #02-2119 for Lot 5C only, and,

THAT the lot size as indicated on the Plat to be filed with the county clerk and recorder will not be further altered without approval, and,

THAT the lot shall be used for one single-family dwelling, and,

THAT the individual water system will consist of a well drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM and the most current standards of the Department of Environmental Quality, and,

THAT the data provided indicates an acceptable water source at a depth of approximately 55 to 70 feet, and,

THAT the individual wastewater treatment system for Lot 5C will consist of a combination 1000-gallon septic tank and 500-gallon dose tank, an effluent filter, and a pressure-dosed elevated sand mound (92' X 30') constructed in accordance with plans and specifications designed by Ron Uemura of Ram Engineering and be of such size and description as will comply with Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM, and,

THAT the bottom of the drainfield shall be at least four feet above the water table, and,

THAT no wastewater treatment system shall be constructed within 100 feet of the maximum highwater level of a 100 year flood of any stream, lake, watercourse, or irrigation ditch, nor within 100 feet of any water supply source, and,

THAT the water supply, wastewater treatment and storm drainage systems must be located as shown on the approved plans and attached lot layout, and,

THAT the developer and/or owner of record shall provide the purchaser of property with a copy of the Plat, approved location of water supply and wastewater treatment system as shown on the attached lot layout, and a copy of this document, and,

THAT instruments of transfer for this property shall contain reference to these conditions, and,

THAT plans and specifications for any proposed wastewater treatment systems will be reviewed and approved by the county health department and will comply with local regulations and ARM, Title 17, Chapter 36, Subchapters 3 and 9, before construction is started.

THAT departure from any criteria set forth in the approved plans and specifications and Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM when erecting a structure and appurtenant facilities in said subdivision without Department approval, is grounds for injunction by the Department of Environmental Quality.

Pursuant to Section 76-4-122 (2)(a), MCA, a person must obtain the approval of both the State under Title 76, Chapter 4, MCA, and local board of health under section 50-2-116(1)(i), before filing a subdivision plat with the county clerk and recorder.

YOU ARE REQUESTED to record this certificate by attaching it to the Plat filed in your office as required by law.

DATED this 22nd day of April, 2004.

RAVALLI COUNTY HEALTH OFFICER

By: Theresa J. Blazicevich
Theresa J. Blazicevich, Director
Ravalli County Environmental Health
215 South 4th – Suite D
Hamilton, MT 59840

JAN P. SENSIBAUGH
DIRECTOR

By: Melton E. Atwell for
Raymond Lazuk, Supervisor
Subdivision Review Section
Permitting and Compliance Division
Department of Environmental Quality

Owner's Name: Mike Walton

Exhibit "A"

A tract of land located in and being Lot 5, Block 18, Sunnyside Orchards No. 4, a platted subdivision of Ravalli County, Montana containing 10.00 acres, gross and net, and all according to Amended Subdivision Plat No. _____.

RECEIVED

APR 27 2004

MT DEQ PUBLIC WATER
& SUBDIVISIONS BUREAU



Brian Schweitzer, Governor

P.O. Box 20091 Helena, Montana, 59620-0901 406-444-2544 www.deq.state.mt.us

February 11, 2005

Mr. Ronald Uemura
RAM Engineering
P.O. Box 2130
Hamilton, Montana
59840

RE: Sunnyside Orchards # 4,
Block 18, Lot 5C
Ravalli County
EQ# 05-2070

EXHIBIT A-8

Dear Mr. Uemura:

The plans and supplemental information relating to the water supply, sewage, solid waste disposal, and storm drainage (if any) for the above referenced division of land have been reviewed as required by ARM Title 17 Chapter 36(101-805) and have been found to be in compliance with those rules.

Two copies of the Certificate of Subdivision Plat Approval are enclosed. The original is to be filed at the office of the county clerk and recorder. The duplicate is for your personal records.

Development of the approved subdivision may require coverage under the Department's General Permit for Storm Water Discharges Associated with Construction Activity, if your development has construction-related disturbance of one or more acre. If so, please contact the Storm Water Program at (406) 444-3080 for more information or visit the Department's storm water construction website at <http://www.deq.state.mt.us/wqinfo/MPDES/StormwaterConstruction.asp>. Failure to obtain this permit (if required) prior to development can result in significant penalties.

Your copy is to inform you of the conditions of the approval. Please note that you have specific responsibilities according to the plat approval statement primarily with regard to informing any new owner as to any conditions that have been imposed.

If you wish to challenge the conditions of this Certificate of Subdivision Plat Approval, you may request a hearing before the Board of Environmental Review or the Department, pursuant to Section 76-4-126, MCA and the Montana Administrative Procedures Act.

If you have any questions, please contact this office.

Sincerely,

Raymond Lazuk, Supervisor
Subdivision Review Section

RL/MEA

cc: County Sanitarian
County Planning Board

STATE OF MONTANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
CERTIFICATE OF SUBDIVISION APPROVAL
(Section 76-4-101 et. seq., MCA)

TO: County Clerk and Recorder
Ravalli County
Hamilton, Montana

E.Q. #05-2070

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as **Sunnyside Orchards #4, Block 18, Lot 5C ASP**

FOR LEGAL DESCRIPTION, SEE ATTACHED "EXHIBIT A"

consisting of three (3) lots have been reviewed by personnel of the Permitting and Compliance Division, and,

THAT the documents and data required by ARM Chapter 17 Section 36 have been submitted and found to be in compliance therewith, and,

THAT the approval of the Plat is made with the understanding that the following conditions shall be met:

THAT the lot sizes as indicated on the Plat to be filed with the county clerk and recorder will not be further altered without approval, and,

THAT each lot shall be used for one single-family dwelling, and,

THAT each individual water system will consist of a well drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM and the most current standards of the Department of Environmental Quality, and,

THAT the data provided indicates an acceptable water source at a depth of approximately 100 to 150 feet, and,

THAT each individual wastewater treatment system will consist of a septic tank, effluent filter, dose tank, and elevated sand mound per plans and specification designed by Ron Uemura, RAM Engineering, Hamilton, MT, and, of such size and description as will comply with Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM, and,

THAT the bottom of the drainfield shall be at least four feet above the water table, and,

THAT no wastewater treatment system shall be constructed within 100 feet of the maximum highwater level of a 100 year flood of any stream, lake, watercourse, or irrigation ditch, nor within 100 feet of any water supply source, and,

THAT the water supply, wastewater treatment and storm drainage systems must be located as shown on the approved plans and attached lot layout, and,

THAT the developer and/or owner of record shall provide each purchaser of property with a copy of the Plat, approved location of water supply and wastewater treatment system as shown on the attached lot layout, and a copy of this document, and,

THAT instruments of transfer for this property shall contain reference to these conditions, and,

THAT plans and specifications for any proposed wastewater treatment systems will be reviewed and approved by the county health department and will comply with local regulations and ARM, Title 17, Chapter 36, Subchapters 3 and 9, before construction is started.

THAT departure from any criteria set forth in the approved plans and specifications and Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM when erecting a structure and appurtenant facilities in said subdivision without Department approval, is grounds for injunction by the Department of Environmental Quality.

Pursuant to Section 76-4-122 (2)(a), MCA, a person must obtain the approval of both the State under Title 76, Chapter 4, MCA, and local board of health under section 50-2-116(1)(i), before filing a subdivision plat with the county clerk and recorder.

YOU ARE REQUESTED to record this certificate by attaching it to the Plat filed in your office as required by law.

DATED this 28th day of January, 2005.

RAVALLI COUNTY HEALTH OFFICER

By: Theresa J. Blazicevich
Theresa J. Blazicevich, Director
Ravalli County Environmental Health
215 South 4th - Suite D
Hamilton, MT 59840

RICHARD OPPER
DIRECTOR

By: Melton E. Atwell
Raymond Lazuk, Supervisor
Subdivision Review Section
Permitting and Compliance Division
Department of Environmental Quality

Owner's Name: Michael Wilton

EXHIBIT "A"

A tract of land located in and being Lot 5C, Block 18, Sunnyside Orchards No. 4, a platted subdivision of Ravalli County, Montana containing 6.00 acres, gross and net, and all according to Amended Subdivision Plat No. 519640.

RECEIVED

SEP 12 1965

RECEIVED
RECORDING COMMISSION